



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: March 22, 2006

REPORT No. 06-031

ATTENTION: City Council President and City Council
Docket of March 28, 2006

SUBJECT: Establishing Council Policy No. 700-47 regarding PETCO
Park City Suite

SUMMARY

Issue: Should the City Council adopt City Council Policy No. 700-47 related to the use of game/event tickets and parking passes for the City Suite at PETCO Park?

Staff Recommendation: Adopt City Council Policy No. 700-47 related to the use of game/event tickets and parking passes for the City Suite at PETCO Park.

Fiscal Impact: There is no negative fiscal impact to the City with respect to this action.

BACKGROUND

PETCO Park is a joint owned facility between the City of San Diego and the Padres. The three development team partners for PETCO Park are the City of San Diego, Padres and the Centre City Development Corporation (CCDC). The City notice to proceed with construction was issued May 22, 2000, the Padres Ball Club staff moved into the 46,000 capacity facility in January 2004, and on April 8, 2004, the first regular season game of the San Diego Padres was held at PETCO Park.

Prior to the facility being completed, the Mayor and City Council adopted Resolution No. 292706 on February 1, 2000. This resolution outlined the adoption of the Joint Use Management Agreement (JUMA). This 193 page agreement (with 13 multiple page exhibits) is the governing record that enables the City and Padres to jointly own, operate, maintain and use the facility.

Section 2.3 of the JUMA states: “The City shall have a right and option to direct the Padres to set aside one (1) Private Suite for use and occupancy by the City throughout the Term (‘City Suite’), on the following terms and conditions:”

“Section 2.3.3 - If the City exercises its option to have a City Suite, then the City as an owner shall be entitled to one admission ticket for each seat in the City Suite for each Event at the Ballpark Property, including Padres Games and Events, free of charge.”

Section 2.4 of the JUMA states: “Whether or not the City exercises its option to take a City Suite and subject to the terms and conditions of this Agreement, the parties hereby agree that beginning on the Commencement Date and thereafter throughout the Term of this Agreement, there shall be provided to the City the following parking rights. The City shall have the right to use and occupy the City Parking free of any obligation to pay parking fees or charges, but the City’s use and occupancy shall be subject to such other reasonable rules and regulations as may be adopted from time to time by the manager of the Ballpark Property:”

“Section 2.4.2 - A right to use and occupy 15 VIP parking spaces for all Events at the Ballpark Property, at a location to be designated by the Padres in the immediate vicinity of the Ballpark Structure.”

DISCUSSION

Since PETCO Park has been open for operation in 2004, the City of San Diego has exercised its right to use and occupy a suite for City purposes. While there was no specific written policy for the use and operation of the City Suite at PETCO Park during the past two years, City staff and City officials utilized the JUMA guidelines and the existing City Council Policy of the City-owned Director’s Area at Qualcomm Stadium. The allocation of seats, distribution of tickets and parking passes, maintenance of a guest book and purpose of City Suite usage were administered according to City Council Policy 700-22 during this two year period.

As a result of inquiries related to City Suite ticket distribution of a major rock concert held at PETCO Park on November 11, 2005, the City Attorney's Office provided the following written advice: "Our office has been reviewing the use of the City Suite at PETCO Park. It appears that the City does not have a written policy and instead, has been generally following Council Policy 700-22 which governs the use of the Directors' Box at Qualcomm Stadium. Although we are not expressing an opinion about past use of the City Suite, until a written policy is adopted, we recommend that the credential holders (i.e. the Deputy Mayor, City Manager, and City Attorney) either return the tickets to the Ballpark Administrator for sale to the public, purchase the tickets at face value, or donate the tickets to a charitable organization without claiming the donation as a tax deduction."

Therefore, to ensure that the City Suite at PETCO Park is utilized for its intended purpose of providing access to the facility for persons who can aid the improvement and promotion of the City of San Diego, the Mayor's Office (with the cooperation of the City Attorney's Office) has drafted City Council Policy 700-47 to formally establish guidelines regarding the use of the City Suite at PETCO Park.

This proposed Council Policy states that tickets may be utilized by credential holders for the purpose of promoting or marketing the City of San Diego that may lead to increased economic, governmental or social service benefit to the City. This includes ticket utilization to recognize civic and community leaders and volunteers, in addition to City employees, who perform exceptional service to the City.

Respectfully Submitted,

R. F. Haas
Deputy Chief of Public Works

Dennis Gibson
City Ballpark Administrator

RFH/DG

Attachments:

1. [Proposed City Council Policy 700-47](#)
2. [Existing City Council Policy 700-22](#)
3. [Related Sections of the Joint Use Management Agreement \(pp. 44-46\)](#)